REMARKS

This amendment is being filed concurrently with a Request for Continued Examination (RCE) to withdraw this application from appeal and to reopen prosecution. This amendment is responsive to the final office action mailed from the U.S. Patent and Trademark Office on January 29, 2007 in the above-identified application.

Claims 1, 2, 4-7 and 9-16 stand rejected. Claims 1, 2, 4-7, 12 and 13 have been amended. Claims 14-16 have been canceled. New claims 17-20 have been added. No new matter has been added. The Applicants respectfully request reconsideration in view of the foregoing amendments.

Miscellaneous Amendments

Claims 2, 4-7 and 13 have been amended for purposes of clarity and/or to correct typographical, spelling errors or antecedent basis, respectively. No new matter is introduced by these amendments.

Claim Rejections - 35 U.S.C. § 101

Claims 1 and 12 were rejected under 35 U.S.C. § 101. The Office Action asserts that the amended limitation including a "human" is non-statutory. Claims 1 and 12 have been amended to overcome this rejection. No new matter is introduced.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 4-7 and 9-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,710,889 (Clark et al.) in view of U.S. Patent 5,918,217 (Maggioncalda et al.), U.S. Patent 5,214,579 (Wolfberg et al.) and U.S. Patent 5,262,942 (Earle). Claim 12 was rejected as obvious over Clark et al. in view of Wolfberg et al. and Earle. Claims 2 and 13 were rejected over Clark et al., Maggioncalda et al., Wolfberg et al. and Earle in view of U.S. Patent 5,806,049 (Petruzzi) and U.S. Patent 5,132,899 (Fox). Claim 14 was rejected over Clark in view of Earle. Claims 15 and 16 were rejected over Clark in view of Maggioncalda.

Claim 1 as now amended recites an integrated system that comprises, in part, a host server comprising a real-time investor monitoring system that (i) receives real-time data from an

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online investor transaction server system regarding the state of at least one investor mediated transaction conducted by an investor using the online transaction system and (ii) transmits the real-time data to an alert device that presents the real-time data as an alert to enable intervention in the at least one investor-mediated transaction. Claim 12 recites similar features directed to an alert device. Support for this feature may be found throughout the present specification, for example at page 7, line 29-page 8, line 2, and at page 16, lines 1-20.

With respect to claim 1, the Office Action asserts that Clark teaches a real-time investor monitoring system. We respectfully disagree. The passage cited in the Office Action for this features states the following:

> "It is important in a business context to provide instant feedback following certain types of transactions, such as demand transactions. For example, a customer that makes a high priority funds transfer will typically want to stay connected to the system waiting for confirmation that the transaction has occurred. The customer often needs to know immediately (i.e., in real time) that the transaction has been accepted and acted upon. The delivery system of the present invention ensures immediate feedback of messages relating to demand [Transaction Instruction messages]." (emphasis added). (See Clark: col. 10, lines 43-52).

Thus, at best, Clark discloses a system that provides feedback only to a customer who initiates the transaction. Clark does not teach or suggest an investor monitoring system that transmits real-time data regarding the state of at least one investor mediated transaction to an alert device that, in turn, presents the real-time data as an alert to enable intervention in the at least one investor-mediated transaction, as now recited in claim 1.

Claims 12 is also patentable for similar reasons in that Clark does not teach or suggest an alert device having a central processing unit that receives the real-time data from the real-time investor monitoring system regarding the state of the at least one investor mediated transaction and presents the real-time data as an alert to enable intervention in the at least one investor-mediated transaction.

Maggioncalda et al., Wolfberg et al., Earle, Petruzzi and Fox, either individually or in combination, fail to correct the deficiencies of Clark et al. Specifically, in Maggioncalda et al., a user interface for a financial advisory system is discussed through which a user may interactively explore how changes in one or more input decisions affect one or more output values. (See Maggioncalda et al.: col. 2, line 33 to col. 3, line 63).

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In Wolfberg et al., a data processing system is discussed which manages, monitor and reports the growth of a participant's investment base and controls a number of financial services which are provided to the participant such as check writing, borrowing privileges as well as insurance benefits. (See Wolfberg et al.: Abstract; col. 24, lines 43-52).

In Earle, a financial transaction network employs a shareholder network serviced by a host processor. The financial network maintains a number of mutual fund portfolios operating in different currencies. The host processor acts as a communications switch validating incoming transaction requests and routing the to a central Transfer Agent system for execution. (See Earle: Abstract, col. 7, lines 48-59; col. 9, lines 54-57)

In Petruzzi, a data processing system is discussed for determining a matrix of optimal investment portfolios based on globally accessed investment return and risk criteria. (See Petruzzi: Abstract).

In Fox, a computer apparatus combined with data gathering and processing methodology is discussed that produces a system whereby a list of stocks and a cash position is generated and purchased for investment and operating accounts. (See Fox: Abstract).

For at least these reasons, claims 1 and 12 are patentable as they are neither anticipated by nor obvious in view of the cited prior art of record.

Furthermore, by virtue of at least their dependency and upon the additional features recited therein, claims 2, 4-7, 9-11 and 13 are also patentable.

New Claims 17-20

New claim 17 recites a host server for providing financial providing financial services comprising a central processing unit programmed to connect to at least one alert device and an online investor transaction server system that enables investors to conduct investor mediated transactions, such as orders to trade financial instruments. The central processing unit of the host server is further programmed to execute a real-time investor monitoring system that receives real-time data from the online investor transaction server system regarding the state of at least one investor mediated transaction conducted by an investor using the online investor transaction server system and that transmits the real-time data as an alert to the at least one alert device to enable intervention in the at least one investor-mediated transaction. Support for this feature

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may be found throughout the present specification, for example at page 7, line 29-page 8, line 2, and at page 16, lines 1-20.

As previously discussed with respect to claim 1, Clark et al. discusses a system that provides feedback only to a customer who initiates the transaction. Thus, at best, Clark discloses a system that provides feedback only to a customer who initiates the transaction. Clark does not teach or suggest an investor monitoring system that transmits real-time data regarding the state of at least one investor mediated transaction to an alert device that, in turn, presents the real-time data as an alert to enable intervention in the at least one investor-mediated transaction, as now recited in claim 17. Maggioncalda et al., Wolfberg et al., Earle, Petruzzi and Fox, either individually or in combination, fail to correct the deficiencies of Clark et al.

For at least these reasons, new claim 17 is patentable as it is neither anticipated by nor obvious in view of the cited prior art of record.
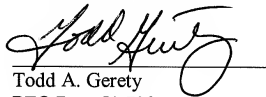
Claim 18 recites the feature of the central processing unit of the host server being programmed to execute the real-time investor monitoring system to receive at least one transaction order relating to the at least one investor mediated transaction as input from the alert device and to enter the transaction order into the online investor transaction server system on behalf of the investor. Claims 19 and 20 recite similar features that are directed to an alert device and an integrated system for providing financial services, respectively. Support for this feature can be found at least in the specification as originally filed on page 16, lines 18-20.

By virtue of at least their dependency upon claims 1, 12 and 17 respectively and the additional features cited therein, claims 18-20 are also patentable.

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CONCLUSION

In view of the above amendments and remarks, it is believed that claims 1, 2, 4-7, 9-13 and 17-20 are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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